

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
EUGENE DIVISION

SANDRA J. COOKSEY, an individual,  
  
Plaintiff,

Case No. 6:19-cv-01760-MK  
**ORDER**

vs.

DIAMOND RESORTS INTERNATIONAL  
CLUB, INC, a Florida corporation,  
  
Defendant,

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AIKEN, District Judge:

Magistrate Judge Mustafa Kasubhai filed his Findings and Recommendations (“F&R”) (doc. 54) recommending that defendant’s motion to dismiss (doc. 4) be denied. This case is now before me. *See* 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ. P. 72(b).

When either party objects to any portion of a magistrate judge’s F&R, the district court must make a *de novo* determination of that portion of the magistrate judge’s report. *See* 28 U.S.C. § 636(b)(1); *McDonnell Douglas Corp. v. Commodore Business Machines, Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981), *cert denied*, 455 U.S.

920 (1982). Defendant has filed timely objections (doc. 15), and plaintiff has filed a timely response. (doc. 16) Defendant has also filed a reply (doc. 19) after obtaining leave from the Court. Thus, I review the F&R *de novo*.

Having considered the record and the arguments offered by plaintiff, the Court finds no error in Magistrate Judge Kasubhai's analysis. Therefore, the Court adopts the F&R (doc. 13). Thus, defendant's motion to dismiss (doc. 4) is DENIED.

IT IS SO ORDERED.

Dated this 27th day of May, 2020.

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/s/Ann Aiken  
Ann Aiken  
United States District Judge